

REMARKS

Amendments to the Claims

Claims 1-9 are under examination with entry of the present Amendment. Claim 1 has been amended as discussed below. Claim 9 is newly added. No new matter has been added with the amendments made herein. Support for the amended and new claims is found throughout the application and in the as-filed claims. Applicant believes that the amended claims better define the invention in a manner supported by the original application.

Rejections under 35 U.S.C. §103

1. The Office Action rejects claims 1-7 as allegedly unpatentable over Stoneback (U.S. Patent No. 2,276,112) in view of Suzuki *et al.* (JP 62-105287) for the reasons provided on pages 2-5 of the Office Action. The Office Action cites Suzuki *et al.* for its teachings of a spacing member.

Applicant respectfully traverses this rejection. Applicant wishes to draw the Examiner's attention that in order to better define the present invention and in an effort to expedite prosecution, the language of amended independent claim 1 limits the claim to a desiccant concealing member which is "*attached to an air seal to position and retain the inner pane*", and which also recites the inner and outer channel members, with their respective seals. Support resides in the as-filed specification for example, on page 4, lines 24-28. As shown in Applicant's Figures 2 and 3, seals (34, 36, 38) position and retain the glass panes (10, 12). In particular, air seal (38) is attached to the desiccant concealing member (26) to position and retain the inner pane (10), and to seal between the desiccant concealing member (26) and the inner pane (10). Since Applicant's desiccant concealing member is sealed to the inner pane and attached to the frame, it prevents exposure of the desiccant cartridge and the interior of the frame to conditions outside the window. The desiccant concealing member is configured in such a manner to avoid providing any passageway for moisture to encroach within the frame and cause condensation and reduced heat insulation.

The claimed window has combined features of the desiccant system with the seals which

position and retain the glass panes, while limiting movement of air and humidity into the frame and glass of the claimed window unit.

It is submitted that amended claim 1 includes language which more clearly distinguishes from the cited prior art. The proposed combination of Stoneback and Suzuki *et al.* does not teach, suggest or disclose the feature of a desiccant concealing member attached to a seal to position and retain the inner pane, as required for a *prima facie* rejection under 35 USC §103(a), nor do they teach the frame comprising outer and inner channel members, each with an associated seal. For a combination of references to render a claim obvious, the combination must include the features of the claimed invention. Nowhere can such teaching, suggestion, or prediction of a "desiccant concealing member attached to a seal" be found in Stoneback or Suzuki *et al.*, when taken alone or in combination.

Stoneback, even in view of a spacing member taught by Suzuki *et al.*, does not teach, suggest or predict the presently claimed invention. Even if one skilled in the art had some reason for combining the spacing member of Suzuki *et al.* with Stoneback's insulation system as suggested by the Examiner, the structure of Applicant's claimed invention still would not have been obvious. Suzuki *et al.* has no disclosure of a desiccant concealing member which is attached to a seal to position and retain the inner pane as claimed by Applicant. Suzuki *et al.* thus does not cure the deficiencies of Stoneback. The claims accordingly would not have been obvious in view of the Stoneback and Suzuki *et al.* references.

Claims 2-7 are rejected as allegedly unpatentable for the reasons provided on pages 4-5 of the Office Action. Rejected claims 2-7 are ultimately dependent upon claim 1. Since Applicant believes that claim 1 patentably distinguishes over the cited prior art for the foregoing reasons, there is no basis for rejection. Applicant contends that the claims are patentable and not obvious in view of the combined teachings of Stoneback in view of Suzuki *et al.* Reconsideration and withdrawal of these rejections are respectfully requested.

2. The Office Action rejects claim 8 as allegedly unpatentable over Stoneback in view of Suzuki

et al. as applied to claim 1, and further in view of Reid, Jr. *et al.* (United States Patent No. 3,151,951).

Applicant respectfully traverses this rejection. Applicant submits that claim 8 is patentably distinguishable for at least the same reasons as discussed above with respect to claim 1, upon which it depends. Reconsideration and withdrawal of this rejection are requested.

In summary, claims 1-8 are not anticipated or rendered obvious in view of the cited prior art since the references do not teach or suggest the features of the invention as claimed. Reconsideration and withdrawal of all claim rejections under 35 U.S.C. §103 are thus respectfully requested.

CONCLUSION

In view of the foregoing remarks and amendments, it is submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

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